

# COUNTY OF YORK

## MEMORANDUM

**DATE:** May 19, 2004 (BOS Mtg. 6/15/04)

**TO:** York County Board of Supervisors

**FROM:** James E. Barnett, County Attorney

**SUBJECT:** Proposed revision to York County code § 14-30, pawnbrokers and dealers in secondhand goods

The 2003 General Assembly adopted a new statute, Code of Virginia § 15.2-1232.1, which grants to counties the same authority that has been available for some time to cities and towns, to regulate (among other things), the conduct of pawnshops and dealers in secondhand goods. Previously, pawnbrokers have been required by statute (Code of Virginia § 54.1-4000 *et seq.*) to obtain licenses and to keep records of all goods pawned, including the identification of any individual offering items for pawn. York County code § 14-30 currently applies only to pawnbrokers, and sets out the procedure for the application and consideration for a pawnbroker's license, and generally requires pawnbrokers to comply with applicable state code, which is incorporated by reference.

At the Sheriff's request, I have prepared a revision to the County's code which imposes upon dealers in secondhand goods the same requirements for a license and record keeping as is currently imposed on pawnbrokers. In addition to adding a definition for the term "dealer in secondhand goods," the revision sets out the statutory record keeping requirements so that they can be made applicable to dealers in secondhand goods as well as to pawnbrokers. Other jurisdictions that regulate the trade in secondhand goods have generally chosen to set out the requirements for licenses and record keeping in full in the text of their ordinances.

The Sheriff desires the adoption of this ordinance because otherwise, something of a loophole exists in the County ordinance, whereas records must be kept describing goods taken in pawn and of individuals who have pawned them, but there is no such requirement imposed upon a pawnbroker or a used goods dealer who actually purchases a used item outright rather than taking it as pledge for a loan. Law enforcement officers have on occasion been frustrated in their attempts to trace stolen goods when they discover them among the inventory of a pawnbroker or secondhand goods dealer who points out, correctly, that the record keeping requirements do not apply to goods actually purchased for resale. Also at the Sheriff's request, a requirement is added that records be kept of the identity of the buyers of pawned goods, or goods sold by dealers in secondhand goods.

In order to meet the Sheriff's concerns, I recommend the adoption of Ordinance No. 04-13.

Barnett/3440:swb  
Attachment: Ordinance No. 04-13